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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/818,953	03/28/2001	Paul Alan Stirpe	03433.00003	9620

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BANNER & WITCOFF
1001 G STREET N W
SUITE 1100
WASHINGTON, DC 20001

EXAMINER

CASLER, TRACI

ART UNIT	PAPER NUMBER
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3629

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/27/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/818,953

Applicant(s)

STIRPE ET AL.

Examiner

Traci L. Casler

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-4, 6-17, 20-30, 32-39, 42-46, 48-56 and 60-67 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-4, 6-17, 20-30, 32-39, 42-46, 48-56 and 60-67 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to papers filed on October 13, 2006.

Claims 2-4, 6-17, 20-30, 32-39, 42-46, 48-50, 53, 55, 56, 63, 64 and 65 have been amended.

Claims 2-4, 6-17, 20-30, 32-39, 42-46, 48-56 and 60-67 are pending.

Claims 2-4, 6-17, 20-30, 32-39, 42-46, 48-56 and 60-67 are rejected.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 2-4, 6-17, 20-23, 25-31, 32-39, 42-46, 48-51, 53, 55-56, 60-67 are rejected under 35 U.S.C. 102(e) as being anticipated by US 6,151,584 Papierniak et al. As to claims 25, 34, 42, 48, 55 system and method providing personalized content to a user comprising of storage, categorizing and grouped according to relatedness and analysis of data. ***Papierniak et al. Discloses a method of capture with enhanced analysis techniques to exploit vast information through uses of the web...results allow better (statistical) decisions. (C.3 l. 20-25) as well as the inter-relationship characterization of data(C. 16 l. 35-40)(one to one; one to many etc).***

3. As to claims 2-4, ***the data in the warehouse...usually subject-oriented such as customer, product, activity.*** (C. 14 I. 55-58)
4. As to claims 28 and 37 ***formatted file library provides the intermediate classifications such as process characterizations, customer preferences, preference determination and behavior patterns.*** (C. 18 I. 45-48)
5. As to claims 6, 32-33, 43, 49 and 56, ***websmart is intend to provide the best possible knowledge for customers.*** (C.18 I. 6-7)
6. As to claims 7, 9-10, 26-27 and 35-36 ***a display for displaying information to a computer user.*** (C. 10 I. 45-46, Fig. 4 Ref. 12)
7. As to claim 8 ***involves parsing, categorizing, indexing and formatting the collected data and classifications based on preference determination used in a the technical process.*** (C. 13 I. 17-18 and C. 18 I. 47-50)
8. As to claims 11, 29 and 38 ***to collect data which indicates where a user has been in prior sessions.*** (C. 2 I. 65-66)
9. As to claim 12, ***Source data*** (Sheet 13 Fig. 13, bottom left corner)
10. As to claim 13 ***visitor profile data...depends on how much information the visited applications can entice the visitor to provide.*** (C. 15I. 47-49)
11. As to claim 14, ***data mining tools enable the present invention to discover hidden knowledge from existing data and information.*** (18 I, 65-67)
12. As to claim 15, ***wherein the multiple client browsers or clients are capable of accessing a server or web server storing information.*** (C.26 I.49-50)

13. As to claims 16 and 17 **results used by user for decisions(C. 3 I. 24-27) and results given to businesses about their customers to gain insight.(C. 3I. 36-40).**
14. As to claim 20 **providing customers with recommendations from information that was analyzed in clustering or artificial intelligence.(C. 13 I. 27-29)**
15. As to claims 30, 39, 50 and 53, **web warehouse is preferably time-stamped and associated with a defined period...subject oriented such as customer, product, activity and characterizing resources based on different criteria. (C14. 56-61 and C. 16 I.35-45)**
16. As to claims 21-23 **metadata defines the data views necessary to produce the outputs required for decision support. (C. 15 I. 54-56)**
17. As to claims 44-46, as best understood by the examiner, **deletion of data in the web warehouse in an appropriate time. (C. 15 I. 65-67)**
18. As to claims 60-61 Papierniak teaches **a display for displaying information to a computer user. (C. 10 I. 45-46, Fig. 4 Ref. 12).** Although Papierniak does not explicitly teach they information displayed as articles and advertisement these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The steps would be performed regardless of the type of information presented. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see in re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 44(Fed. Cir. 1983); In re Lowry, 32 F.3d 1579, 32 USPQ 2d 1031(Fed. Cir.

19. As to claims 62 a system and method providing personalized content to a user comprising of storage, categorizing and grouped according to relatedness and analysis of data. ***Papierniak et al. Discloses a method of capture with enhanced analysis techniques to exploit vast information through uses of the web...results allow better (statistical) decisions. (C.3 l. 20-25) , websmart is intend to provide the best possible knowledge for customers. (C.18 l. 6-7) a display for displaying information to a computer user. (C. 10 l. 45-46, Fig. 4 Ref. 12) involves parsing, categorizing, indexing and formatting the collected data. (C. 13 l. 17-18) Papierniak teaches a method of "incremental" data sources responsive to the decision support.(C23 l.62-65) as well as the inter-relationship characterization of data(C. 16 l. 35-40)***
20. As to claims 63-67 ***identifies many relationships and different levels of relationships between data.(C. 16 l. 34-40 and Fig. 15-Fig. 16)***

Claim Rejections - 35 USC § 103

21. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

22. Claims 24, 51, 54 rejected under 35 U.S.C. 103(a) as being unpatentable over Papierniak et al as applied to above, and further in view of Financialengines.com(any linkage Oct. 12, 1999).

23. As to Claim 24, Papierniak fails to teach a display method for the of what the gathered information means. Financialengines.com teaches ***how your decisions and advisor fund recommendations affect your future.***(P. 7 l. 4-7) See also Pg. 6 Fig. 2. It would have been obvious to one skilled in the art to incorporate the display method of financialengines.com to allow to the customer to see where they fit into the financial picture.

24. As to claims 51, 54 and 59, Papierniak fails to teach comparison method, financialengines.com teaches a ***retirement income projection is compared to your goal on a scenario by scenario basis.*** (Pg. 17 l.6-7) It would have been obvious to one skilled in the art to incorporate the teachings of comparison into Papierniak so as to allow the customer the ability to make an accurate decision of one product over another.

Response to Arguments

25. Applicant's arguments filed October 13, 2006 have been fully considered but they are not persuasive.

26. Applicant argues that the reference fails to teach the weighted node limitation of Papierniak. The examiner notes that Papierniak teaches incremental data resources and relationships of data based on the user characteristics. As applicant claims the limitation of weighted nodes in a broad sense Papierniak anticipates the "weight" or extent of the relationship that the information has. Applicants claims do not specify what the actual weight represents. Therefore a stronger relationship according to Papierniak (and as claimed by applicant) would be weighted more.

For the at least above reasons examiner submits that arguments regarding claims 2-4, 6-17; 20-24; 26-30; 32-33, 35-39. 43-46, 49-54, 60, 61 and 63-67 are not persuasive. **Conclusion**

27. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

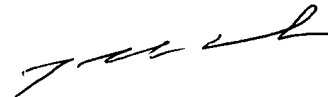
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Traci L. Casler(formerly Smith) whose telephone number is 571-272-6809. The examiner can normally be reached on Monday-Thursday 6:00 am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TLC

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